

UNITED STATES PATENT AND TRADEMARK OFFICE

MAILED

APR 16 2003

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

PAT. & T.M. OFFICE
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AND INTERFERENCES

Ex parte VICTOR GIRARDI, MICHAEL KELLEY,
PAUL A. KOVLAKAS, ALLEN L. KRAMER
and CHARLES R. MALANDRA

Application No. 09/187,907

ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER

This application was received at the Board of Patent Appeals and Interferences on March 24, 2003. A review of the application has revealed that the application is not ready for docketing as an appeal. Accordingly, the application is herewith being returned to the examiner. The matters requiring attention prior to docketing are identified below:

Appellants filed an Information Disclosure Statement (IDS) on December 30, 2002 (Paper No. 14). It is not clear from the record whether the examiner considered the statement submitted or whether the examiner notified appellants of why their submission did not meet the criteria set forth in 37 CFR §§ 1.97 and 1.98.

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Accordingly, it is

ORDERED that the application is returned to the examiner for consideration of the IDS filed on December 30, 2002 (Paper No. 14), written notification to appellants of consideration and for such further action as may be appropriate.

BOARD OF PATENT APPEALS
AND INTERFERENCES

By:



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DMS/clm/dm
RA03-0245